

quinn emanuel trial lawyers | los angeles

51 Madison Avenue, 22nd Floor, New York, New York 10010 | TEL (212) 849-7000 FAX (212) 849-7100

WRITER'S DIRECT DIAL NO.
(212) 849-7444

WRITER'S INTERNET ADDRESS
robertloigman@quinnemanuel.com

March 29, 2017

BY ECF, CHAMBER'S EMAIL, AND HAND DELIVERY

Honorable Stuart M. Bernstein
United States Bankruptcy Judge
United States Bankruptcy Court,
Southern District of New York
One Bowling Green
New York, New York 10006

Re: *SIPC v. Bernard L. Madoff Inv. Secs. LLC*, No. 08-1789 (SMB), *Picard v. Ceretti, et al.*, Adv. Proc. No. 09-1161 (SMB) (Bankr. S.D.N.Y.)

Dear Judge Bernstein:

We represent the Joint Liquidators (the "JLs") of Kingate Global Fund Ltd. and Kingate Euro Fund Ltd. (the "Kingate Funds"), and write to request a status conference in this adversary proceeding.

On June 9, 2016, the parties to this action presented oral argument to the Court on the Trustee's motion to compel the production of certain documents from various parties. Since that time, discovery has not proceeded materially. We recognize, of course, that the Court has been addressing countless other issues in the BLMIS proceedings in the interim, including the extensive extraterritoriality proceedings that resulted in the dismissal of claims against several of the defendants in this action.

The JLs request a conference to address with the Court the status of the pending motion to compel. The JLs understand that, after argument of the pending motion, the Court issued the Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390. The JLs have no objection if the Court believes that the most efficient way to resolve the pending motion is to refer it to the Discovery Arbitrator, Mr. Frank Maas, for his consideration and determination.

quinn emanuel urquhart & sullivan, llp

NEW YORK | SAN FRANCISCO | SILICON VALLEY | CHICAGO | WASHINGTON, DC | LONDON | TOKYO | MANNHEIM | MOSCOW | HAMBURG | PARIS |
MUNICH | SYDNEY | HONG KONG | BRUSSELS

We have spoken with counsel to the Trustee, and they consent to the JLs' request for a status conference or, if the Court so determines, reference of this motion to the Discovery Arbitrator for resolution.

Respectfully submitted,

/s/ Robert S. Loigman
Robert S. Loigman

cc: Counsel for Trustee (via ECF and email)